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Cupertino, CA 95014

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DEC 23 2002

OFFICE OF PETITIONS

In re Application of
CHEN
Application No. 09/769,879
Filed: January 24, 2001
Attorney Docket No. 09/769,879

ON PETITION

This is a decision on the petition to revive filed, December 2, 2002, to revive the above-identified application on the grounds that the delay in responding to the Office action was unintentional.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Non-Final office action mailed April 19, 2002, which set a shortened statutory period for reply of three-months. No extensions of time under the provisions of 37 CFR 1.136(a) have been filed. Accordingly, the application became abandoned on July 20, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

Petitioner submitted a \$55 petition fee with the petition filed December 2, 2002. However, the current fee (small entity) for filing a petition to revive under 37 CFR 1.137(b) is \$640. Accordingly, an additional balance of \$585 is due to before revival of the application can be effected.

In order to expedite a decision on the petition, petitioner may wish to consider submitting the response to the address noted below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy